

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:06CR65-P-B

KAY L. TERRY,

DEFENDANT.

ORDER OF CONTINUANCE

This matter comes before the court upon Defendant's Motion for Continuance of Trial Setting [42-1]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for July 10, 2006. Defense counsel requests additional time to discuss with their client the import of the court's rulings on six pre-trial motions filed in this matter as well as a proposed plea agreement recently sent to counsel by the Government.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from July 10, 2006 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for their client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion for Continuance of Trial Setting [42-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, August 21, 2006 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from July 10, 2006 to August 21, 2006 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is July 31, 2006; and

(5) The deadline for submitting a plea agreement is August 7, 2006.

SO ORDERED, this the 29th day of June, A.D., 2006.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE